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Attorneys for Plaintiffs and the Putative Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**JONATHAN HOANG TO; JEFFRY HEISE;
and JOSEPH MULL**, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

**DIRECTTOU, LLC; and ALLIANCE
ENTERTAINMENT, LLC**, Delaware Limited
Liability Companies,

Defendants.

Case No. 3:24-CV-06447-WHO

**DECLARATION OF JEFFRY HEISE
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT'S
MOTION TO STAY AND COMPEL
ARBITRATION**

Judge: Hon. William H. Orrick
Courtroom: 2
Hearing: June 4, 2025
Time: 2:00 PM

1 I, Jeffry Heise, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury and based
2 upon my own personal knowledge, that the following statements are true:

3 1. I am over 18 years of age and a resident of Coldwater, Michigan. I am one of the
4 named Plaintiffs and putative class representatives in the above-entitled action. I submit this
5 declaration in support of Plaintiffs' response in opposition to Defendants' motion to compel
6 arbitration (ECF No. 80 (the "Motion")).

7 2. I have reviewed the Motion and the accompanying declaration of Tim Hinsley (the
8 "Hinsley Declaration"), as well as the exhibits attached to the Hinsley Declaration.

9 3. Between August 8, 2021 and August 8, 2024, I placed several orders to purchase
10 prerecorded video products from Critics Choice. I placed many of these orders through mail-order
11 catalogs sent to me by Critics Choice by completing the hard-copy order forms that accompanied the
12 catalogs and mailing the completed order forms back to Critics Choice by U.S. Mail, to the address
13 specified on the order forms. The order forms that I completed and returned to Critics Choice to
14 place these orders were the same or substantially the same, in all material respects, as the sample
15 Critics Choice order form attached to this declaration as **Exhibit 1**.

16 4. At no point while placing any of my orders for prerecorded video products from
17 Critics Choice mail-order catalogs between August 8, 2021 and August 8, 2024 was I presented with,
18 informed of the existence of, or required to sign or otherwise consent to be bound by any terms,
19 conditions, or agreement of any sort with Critics Choice, any owner, operator, affiliate, or parent
20 company of Critics Choice, or any other person or entity. I have never signed or otherwise expressed
21 my consent to be bound by any such agreement in connection with any of the mail-order catalog
22 orders I placed with Critics Choice between August 8, 2021 and August 8, 2024.

23 5. I was not presented with, informed of the existence of, or required to sign or
24 otherwise consent to be bound by any of the documents titled "Terms of Use" attached to the Hinsley
25 Declaration as Exhibits 1-3 at the time I placed any of my orders for prerecorded video products from
26 Critics Choice mail-order catalogs between August 8, 2021 and August 8, 2024.

1 I hereby declare under penalty of perjury of the laws of the United States that the foregoing
2 statements are true and correct. Executed on April 7, 2025 at Coldwater, Michigan.

3 Jeffry Heise
4 Jeffry Heise (Apr 7, 2025 16:43 EDT)
5 Jeffry Heise
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